

### REMARKS

Applicants respectfully request consideration of the application in view of the foregoing amendments and the following remarks.

Claim 11 is amended herein to incorporate claim limitations of previous claim 1. Claim 12 is amended herein to change the dependency from claim 1 to claim 11. No new matter has been added.

Applicants respectfully assert that all claims are supported by the original specification, figures and/or claims. For the convenience of the Office, Applicants herein summarize support for each of the pending claims, as follows:

Claim 1 is supported, *inter alia*, by original claims 1 and 5. Additionally, the amendment of "LTB" to "subunit B of heat labile enterotoxin of *E. coli* (LTB)" in current claim 1, relative to original claim 1, is supported in the specification on page 4, lines 11-20.

Claim 8 is supported by original claim 8.

Claim 11 is supported by original claims 1 and 11. In addition, the amendment of "LTB" to "subunit B of heat labile enterotoxin of *E. coli* (LTB)" in current claim 11, relative to original claim 1, is supported in the specification on page 4, lines 11-20.

Claim 12 is supported by original claim 12.

Claim 13 is supported by original claim 13.

### ***Rejection under 35 U.S.C. § 112, First Paragraph***

Claims 1, 8, and 11-13 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Office Action states that literal support for SEQ ID NO:20, wherein amino acids 679-702 of SEQ ID NO:20 are deleted as required by claim 1 in combination with sequences of nucleotides as set forth in SEQ ID NO:9 or SEQ ID NO:11 or SEQ ID NO:12 capable of producing an immune response in a mammal cannot be found in the specification. The Office Action also alleges that to the extent that the claimed composition is not described in the instant disclosure, the claims also lack enablement. Applicants respectfully traverse.

As stated above, claim 1 is supported by the original claims. Specifically, claim 1 is a combination of original claims 1 and 5. In addition to the elements of claims 1 and 5, current claim 1 also specifies that the CEA protein of the fusion protein is fused to "a subunit B of heat labile enterotoxin of *E. coli* (LTB)," whereas original claim 1 only stated "LTB."

However, support for the language "a subunit B of heat labile enterotoxin of *E. coli*" can be found throughout the specification, for example, on page 4, lines 11-20. Accordingly, Applicants respectfully assert that claim 1, and dependent claims 8 and 13, are fully supported by the specification and original claims.

With regard to claim 11, Applicants note that the Office Action seems to be alleging that there is no support for SEQ ID NO: 9, 11, and 12, as claimed in claim 11, because claim 11 is dependent on claim 1, which specifies that amino acids 679-702 of the CEA protein are deleted.

In order to expedite prosecution, Applicants have amended claim 11 to be an independent claim and to incorporate the features of original claim 1. As claim 11 was dependent on claim 1 in the originally filed application and no additional features were added to current claim 11, this claim amendment is clearly supported by the specification. As such, Applicants respectfully assert that claim 11 and dependent claim 12, are fully supported by the specification and original claims.

Applicants respectfully assert that all claims are in accordance with the written description and enablement requirements of 35 U.S.C. 112, 1<sup>st</sup> paragraph and request that this rejection be removed and the claims allowed.

### ***Summary***

Applicants assert all claims are in condition for allowance and a favorable action on the merits is earnestly solicited.

If the Examiner believes that a telephone conference would be of value, she is requested to call the undersigned attorney at the number listed below.

Respectfully submitted,

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Date: November 21, 2011